

FINAL DECISION AND ORDER

Decision Issue Date Wednesday, January 12, 2022

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): MASOUD NADJAFI-ASL

Applicant: GREEN DOT ARCHITECTS

Property Address/Description: 326 MANOR ROAD EAST

Committee of Adjustment Case File: 19 182339 NNY 15 MV (A0482/19NY)

TLAB Case File Number: 19 226110 S45 15 TLAB

Hearing date: Thursday, January 16, 2020 and Monday, October 26, 2020

DECISION DELIVERED BY S. Karmali

APPEARANCES

| NAME | ROLE | REPRESENTATIVE |
|--------------------|-----------------|----------------|
| Saied Mahboubi | Applicant/Agent | |
| Masoud Nadjafi-Asl | Appellant/Owner | John Alati |
| City of Toronto | Party | Sara Amini |
| Carol Bongard | Party | |
| Janis Cameron | Party | |
| Al Kivi | Party | |
| Martin Rendl | Expert Witness | |

In my Interim Decision and Order dated August 27, 2021, I examined each variance request constitutive of the proposal based on the strength of evidence and in view of the statutory tests. I need not reproduce that examination here.

Importantly, I provided the Appellant the opportunity to amend his depth variance request within a stipulated range, and to provide me with corresponding amended plans.

I received those architectural plans on October 12, 2021, and have reviewed them. The site plan does indicate in red block letters that the building depth is 18.0 metres from the required front yard setback to the second-floor projection, which is furthest from that setback. I see the dwelling has shifted forward 1.06 metres to reduce the depth capture from 19.06 metres to 18.0 metres. It appears the shift is appropriate.

I am satisfied that the amendment to the development proposal is minor and does not require further notice.

I find the requested variances in **Attachment A** individually and cumulatively meet the four tests in subsection 45(1) of the *Planning Act*. The variances are also consistent with the Provincial Policy Statement and conform to the Growth Plan.

FINAL DECISION & ORDER

1. The Appeal is allowed. The decision of the Committee of Adjustment mailed on September 19, 2019, is set aside.
2. The variances listed in **Attachment A** are approved.
3. Construction is to be in substantial accordance with the plans contained in **Attachment B**.
4. If difficulties arise in the implementation of this Order, the TLAB may be contacted on notice to all of the Parties and Participants.

X

Sean Karmali
Panel Chair, Toronto Local Appeal Body

ATTACHMENT A: APPROVED VARIANCES – 326 MANOR ROAD (Variances 1-7)

1. Chapter 900.2.10(930)(D)(ii), By-law No. 569-2013

The minimum required side yard setback of the platform is 1.8m.

The proposed side yard setback of the second level platform is 1.06m from the east side lot line.

2. Chapter 10.5.40.50(2), By-law No. 569-2013

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone, 0.9m.

The rear platform at the first level encroaches into the required minimum side yard setback by 0.29m.

3. Chapter 10.5.40.60.(3)(A)(i), By-law No. 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no longer than 1.5 horizontal building or structure.

The proposed front stairs are 1.58 horizontal units for each 1.0 vertical unit above grade at the point where the stairs meet the building or structure.

4. Chapter 10.10.40.30.(1)(A), By-law No. 569-2013

The permitted maximum building depth is 17.0 m.

The proposed building depth is 18.0 m.

5. Chapter 10.10.40.10.(2)(A)(i), By-law No. 569-2013

The permitted maximum height of all front exterior main walls is 7.0m.

The proposed height of the front exterior main walls is 7.4m.

6. Chapter 10.10.40.10.(2)(A)(ii), By-law No. 569-2013

The permitted maximum height of all rear exterior main walls is 7.0m.

The proposed height of the rear exterior main walls is 7.4m.

7. Chapter 10.10.40.10.(2)(B)(ii), By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.0m.

The proposed height of the side exterior main walls facing a side lot line is 7.4m.

ATTACHMENT A: APPROVED VARIANCES – 326 MANOR ROAD (Variances 8-13)

8. Chapter 10.5.50.10.(1)(D), By-law No. 569-2013
A minimum of 75% of the required front yard landscaping must be soft landscaping.
The proposed front yard soft landscaping area is 54%.
9. Chapter 10.10.40.40.(1)(A), By-law No. 569-2013
The permitted maximum floor space index is 0.6 times the area of the lot.
The proposed floor space index is 0.72 times the area of the lot.
10. Chapter 10.5.80.10.(3), By-law No. 569-2013
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking spot is located in a front yard.
11. Chapter 200.5.10.1.(1), By-law No. 569-2013
The required minimum number of parking space(s) for the dwelling unit is one space.
The parking space is not permitted in the proposed location and therefore the proposal will have zero spaces.
12. Section 4(4)(B), By-law No. 438-86
The by-law requires a minimum of one parking space to be provided.
The number of proposed parking spaces is zero.
13. Section 6(3) Part IV 1(E), By-law No. 438-86
The by-law prohibits the parking of motor vehicles on the portion of the lot between the front lot line and the front wall of the building.
The proposed parking does not comply and is located in the front yard.

ATTACHMENT B: AMENDED PLANS

PART OF LOT 17, REGISTERED PLAN 1788
CITY OF TORONTO

| ELEVATION | |
|-----------------------------|------------------------------------|
| U/S OF FOOTING | ELEV. + 154.30 |
| BASEMENT FIN. SLAB | ELEV. + 154.60 |
| PROPERTY LINE | ELEV. + 156.25 |
| AVERAGE CROWN OF THE ROAD | ELEV. + 155.81 |
| ESTABLISHED GRADE | ELEV. +156.50 (156.52+156.48)/2 |
| FIRST FIN. FLOOR | ELEV. + 157.80 |
| SECOND FIN. FLOOR | ELEV. + 161.15 |
| U/S OF SECOND FLOOR CEILING | ELEV. + 163.90 |
| TOP OF THE ROOF | ELEV. + 164.30 |
| TOP OF THE PARAPET | ELEV. + 165.10 |

| STATISTIC | | |
|----------------------|-------------|-----------|
| ZONE: R (d0.6)(x930) | | |
| LOT AREA | 3075.00 ft² | 285.60 m² |
| LOT FRONTAGE | 25' - 0" | 7.62 m |
| LOT DEPTH | 123' - 0" | 37.48 m |
| FIRST FLOOR AREA | 1095.66 ft² | 101.79 m² |
| SECOND FLOOR AREA | 1119.44 ft² | 104.00 m² |
| TOTAL FLOOR AREA | 2215.10 ft² | 205.79 m² |

| STATISTIC | | |
|----------------------|-----------------------|---------------------|
| ZONE: R (d0.6)(x930) | BY-LAW | PROPOSED |
| FLOOR SPACE INDEX | 171.36 m² 60% Max. | 205.79 m² 72.05% |
| HEIGHT | 9.00 m Max. | 8.60 m |
| LENGTH | 17.00 m Max. | 17.00 m |
| LANDSCAPE | 21.03 m² 50% Min. | 25.22 m² 59.9% |
| LANDSCAPE (BACKYARD) | 51.97 m² 50% Min. | 80.35 m² 77.29% |

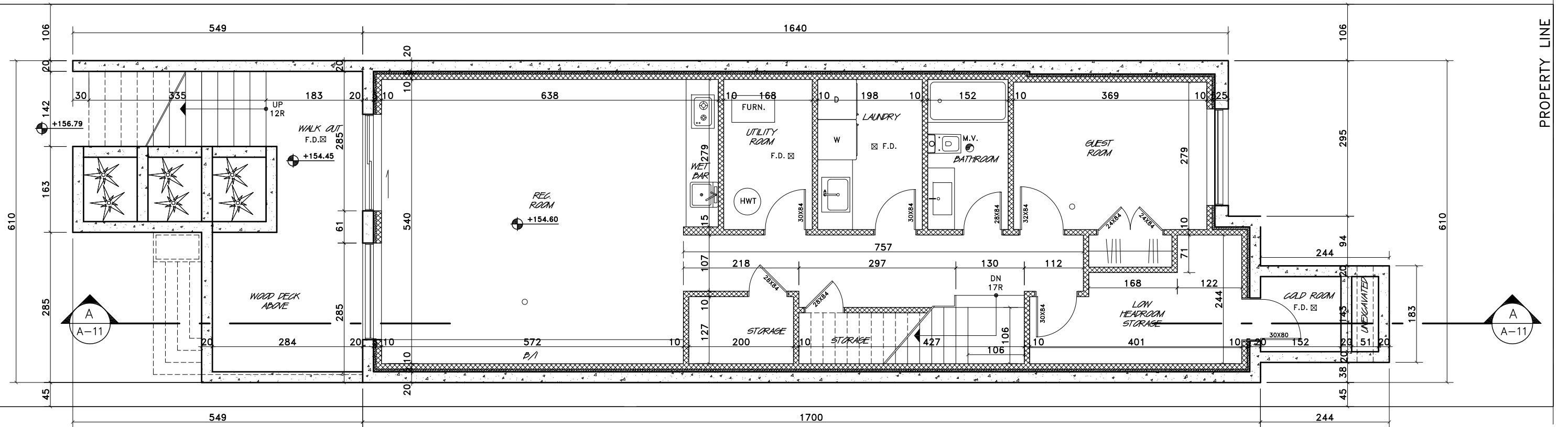
| STATISTIC | | |
|----------------------|--------|----------|
| ZONE: R (d0.6)(x930) | | |
| SETBACKS | BY-LAW | PROPOSED |
| SOUTH - FRONT | 5.26 m | 5.52 m |
| WEST - SIDE | 0.45 m | 0.45 m |
| NORTH - REAR | 7.50 m | 13.88 m |
| EAST - SIDE | 0.90 m | 1.06 m |

| SOFT LANDSCAPING STATISTIC | |
|----------------------------|---------------------------------------|
| ZONE: R (d0.6)(x930) | |
| FRONT YARD | 7.62 m X 5.52 m = 42.06 m² |
| PERMITTED DRIVEWAY | 3.05 m X 5.52 m = 16.84 m² |
| REQUIRED HARD LANDSCAPING | (42.06 m² X 50%) = 21.03 m² |
| PROPOSED HARD LANDSCAPING | 42.06 m² - 16.84 m² = 25.22 m² |
| REQUIRED SOFT LANDSCAPING | 21.03 m² X 75 % = 15.77 m² |
| STEP/PORCH & WALKWAY AREA | 4.48 m² + 3.98 m² = 8.46 m² |
| PROPOSED SOFT LANDSCAPING | 25.22 m² - 8.46 m² = 16.76 m² (79.7%) |

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A-2

STATISTIC

SCALE: N.T.S.



1 BASEMENT PLAN
A-3
SCALE: 1:75



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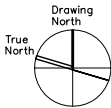
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Tel: 416.488.6070 Fax: 416.488.3351

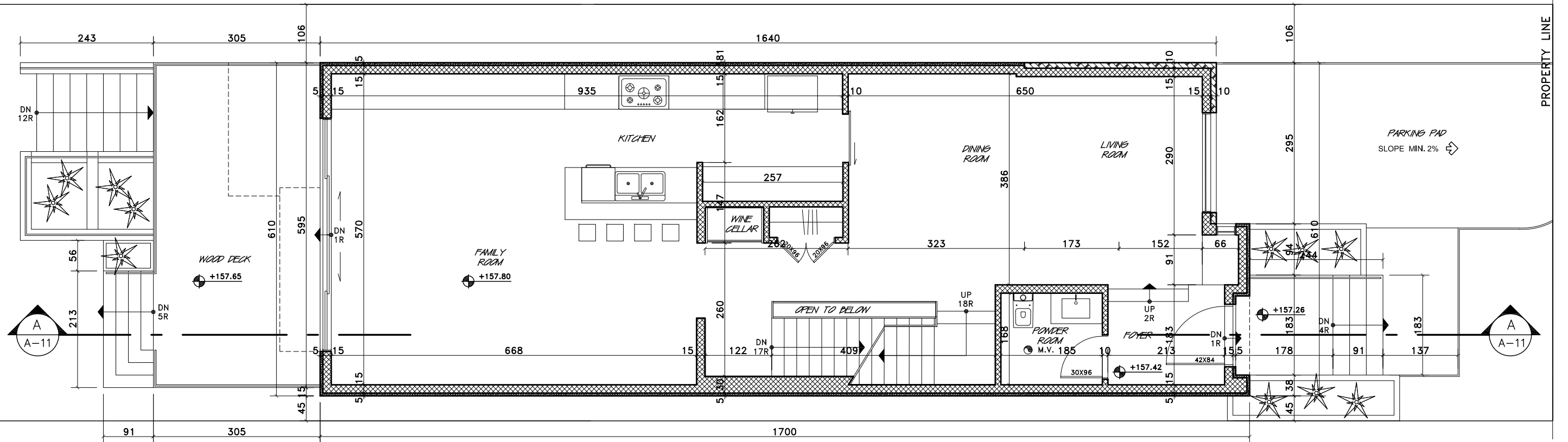
Project Name
**326 MANOR ROAD EAST
TORONTO, ON, M4S 1S2**

| Drawing Title | | |
|---------------|-----------------|--------------|
| BASEMENT PLAN | | |
| No. | Description | Date |
| 1 | ISSUED FOR TLAB | 27 SEP. 2021 |

| | |
|--|-----------------------|
| CAD File No. 326 Manor-21-09-27 TLAB | Scale 1: 75 |
| Date SEPTEMBER 23, 2021 | Project No. 21-104 |

A-3





1 FIRST FLOOR PLAN
A-4 SCALE: 1:75



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Project Name

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Drawing Title

FIRST FLOOR PLAN

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|-----|-----------------|--------------|
| 1 | ISSUED FOR TLAB | 27 SEP. 2021 |

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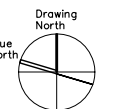
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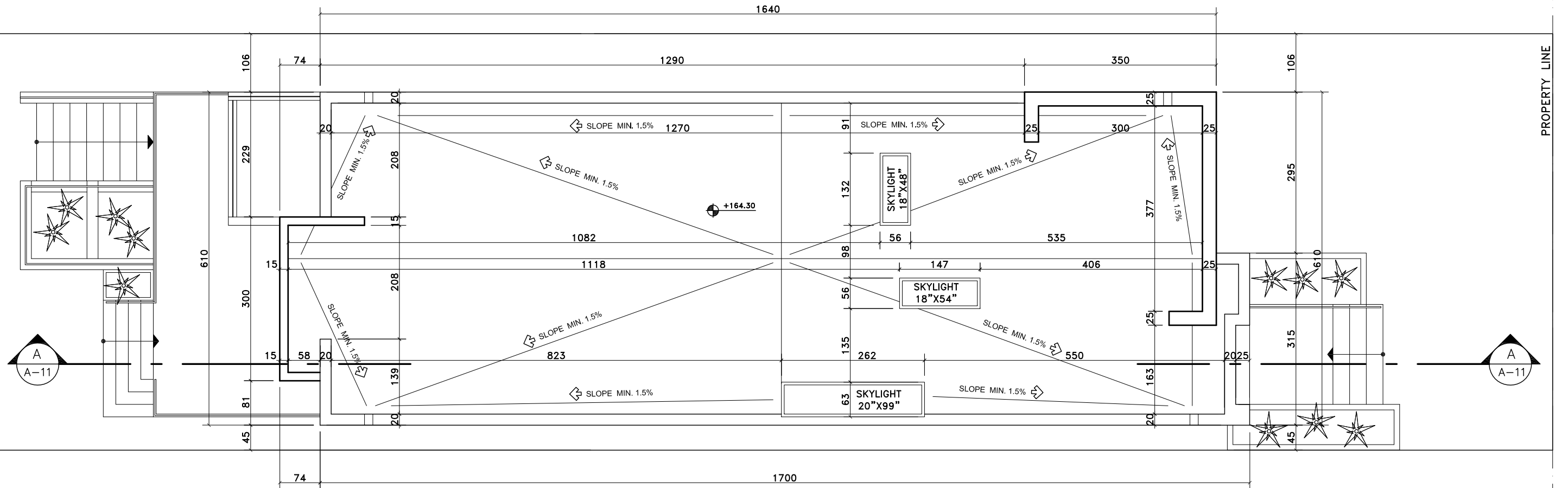
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A-4





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A-6

ROOF PLAN

SCALE: 1:75



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Drawing Title

ROOF PLAN

| No. | Description | Date |
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326 Manor-21-09-27
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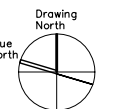
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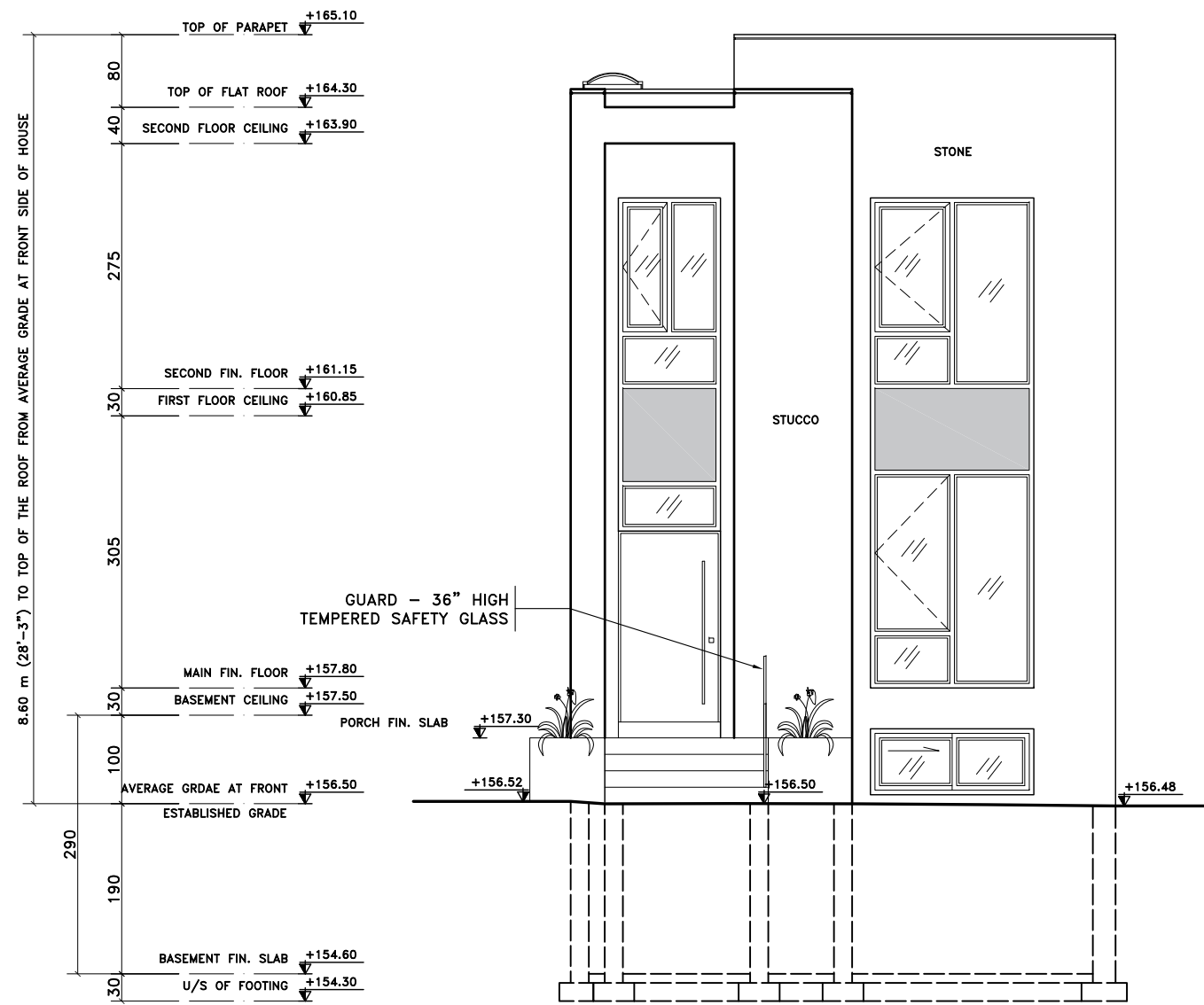
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A-6





1 SOUTH ELEVATION
A-7 SCALE: 1:75



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Drawing Title

SOUTH ELEVATIONS

| No. | Description | Date |
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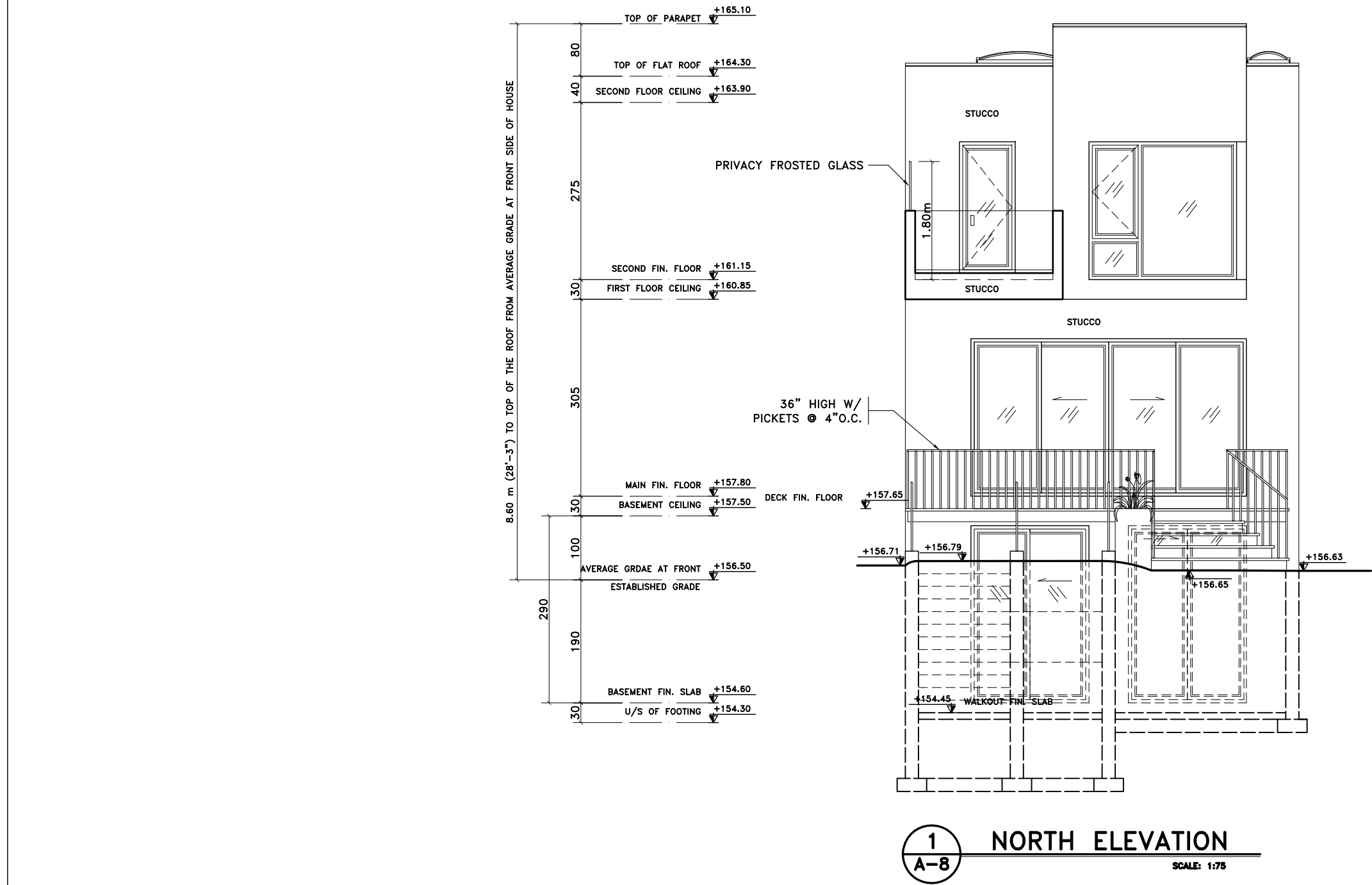
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Date
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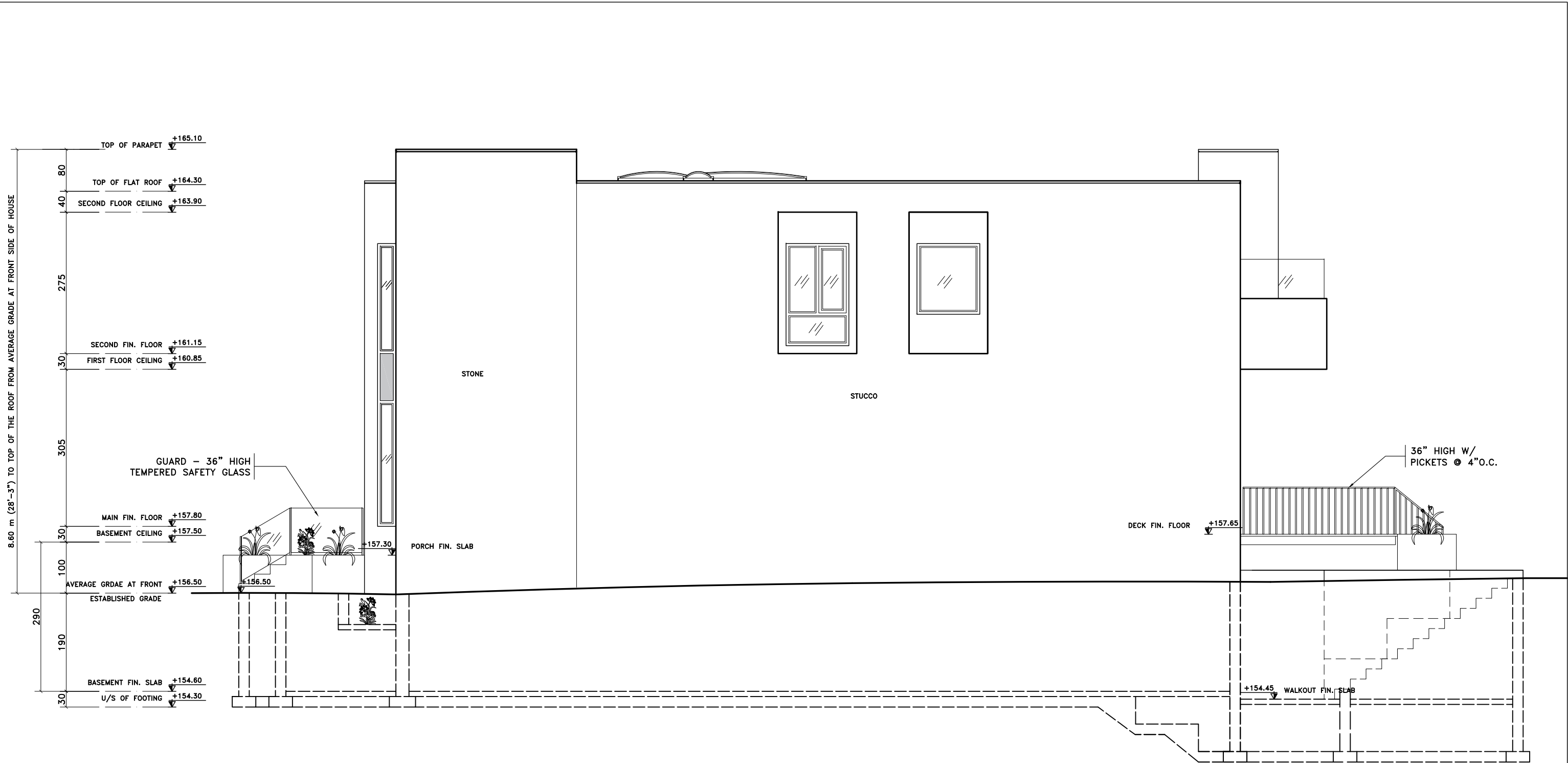
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21-104

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| <div><div></div><div>Green dot Architects</div><div>1670 BAYVIEW AVENUE, SUITE 302, TORONTO, ON, M4G 3C2</div><div>Tel: 416.488.6070 Fax: 416.488.3351</div></div> | Project Name 326 MANOR ROAD EAST TORONTO, ON, M4S 1S2 | Drawing Title NORTH ELEVATIONS | | CAD File No. 326 Manor-21-09-27 TLAB | Scale 1: 75 | A-8 | |
| | | Date SEPTEMBER 23, 2021 | | Date SEPTEMBER 23, 2021 | Project No. 21-104 | | |
| | | 1 No. | ISSUED FOR TLAB Description | 27 SEP. 2021 Date | | | |



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A-9

EAST ELEVATION

SCALE: 1:75



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Project Name

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Drawing Title

EAST ELEVATION

| No. | Description | Date |
|-----|-----------------|--------------|
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326 Manor-21-09-27
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Date

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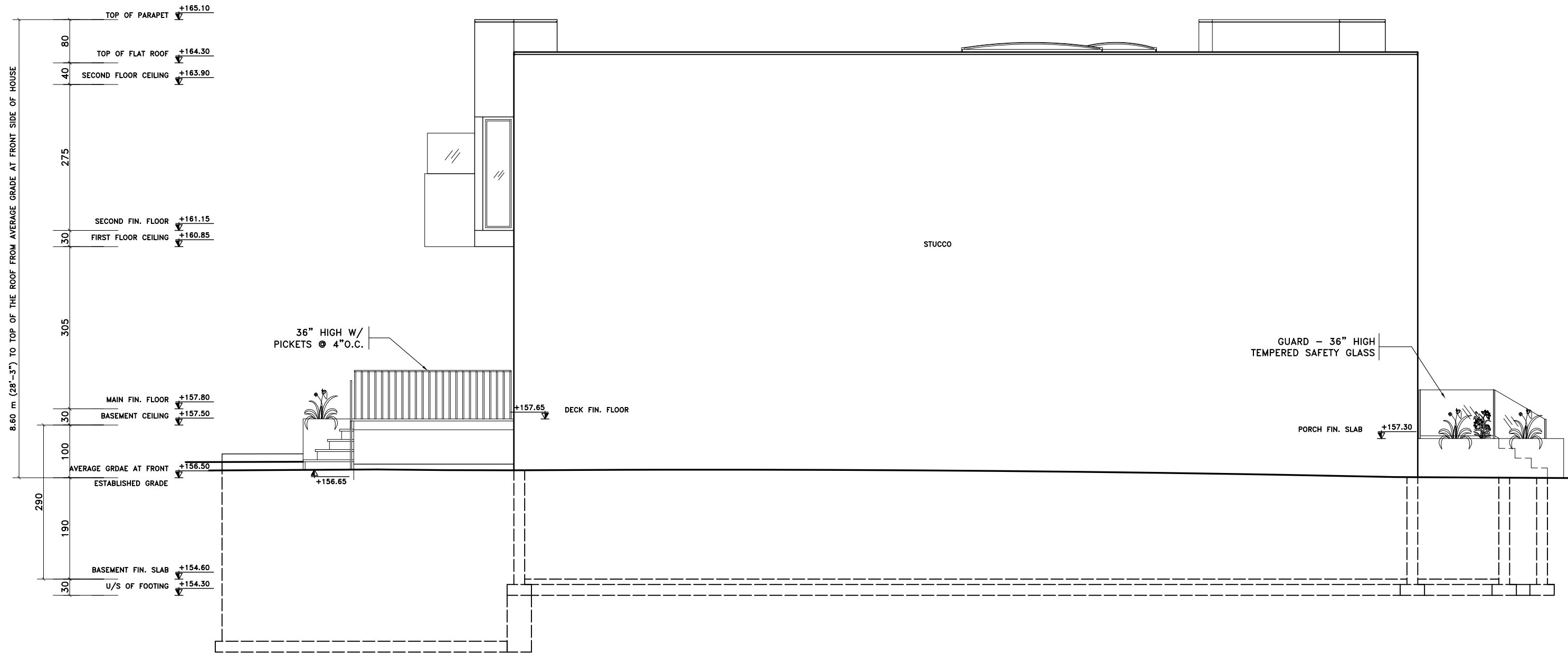
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Project No.

21-104

A-9



1
A-10 **WEST ELEVATION**
SCALE: 1:75



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Drawing Title

WEST ELEVATION

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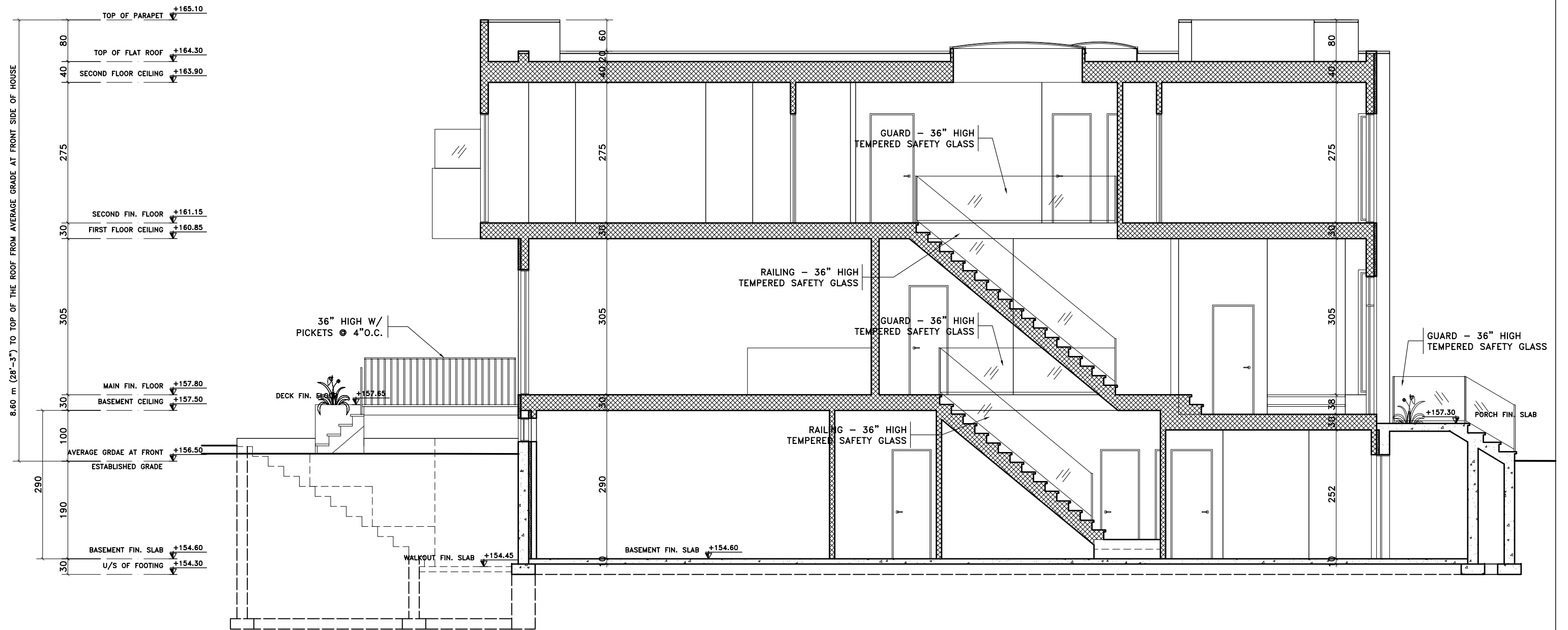
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Project No.

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A-11

SECTION A-A

SCALE: 1:75



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Project Name

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Drawing Title

SECTION A-A

| No. | Description | Date |
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Project No.
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A-11